

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§

§

vs.

§

Case No. 4:05CR170

§

(Judge Brown)

BRYAN JERMAINE WILLIAMS

§

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 30, 2006, to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arrambide. The Government was represented by Randall Blake.

On June 11, 2003, the Defendant was sentenced by the Honorable United States District Judge David Brions to 12 months imprisonment followed by a 2-year term of supervised release for the offense of Conspiring to Import a Controlled Substance (Marijuana). On July 30, 2004, Defendant began his supervised release.

On November 7, 2005, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall submit to one drug test within 15 days of release from

imprisonment or placement on probation and at least 2 periodic drug tests thereafter, as directed by the probation officer; (4) Defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction of drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol; (5) Defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer; and (6) Defendant shall perform 200 hours of community service as directed by the probation officer.

The petition alleges Defendant committed the following acts: (1) On January 18, 2005, Defendant was arrested and charged by the Plano Police Department with Driving While Intoxicated; (2) On June 9, 2005, Defendant was convicted of DWI and placed on 18 months probation; (3) On April 28, 2005, and September 19, 2005, Defendant submitted urine specimens that tested positive for Marijuana; (4) On June 6, June 15, and September 21, 2005, Defendant failed to report for urine specimen collections; (5) On November 6 and 20, 2004, January 15 and 29, 2005, the months of February, March, and April, 2005, and May 28, June 15, 18, and 25, July 16, August 6, October 1 and 15, 2005, Defendant failed to report for drug treatment counseling sessions; and (6) Defendant has failed to complete community service and has a current balance of 141 hours.

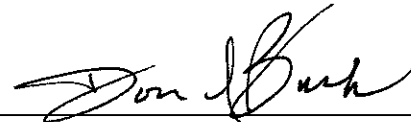
Prior to the Government putting on its case, the Defendant entered a plea of true to the above listed violations. At the hearing, the Court recommended that the

Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eleven (11) months with no supervised release to follow.

Signed this 6 day of September, 2006.

A handwritten signature in black ink, appearing to read "Don D. Bush", is written over a horizontal line.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE